

REMARKS

An interview was held on December 12, 2007 with Examiner Eloshway at the United States Patent and Trademark Office in which the undersigned appeared with the applicant/inventor, Mr. Richard Finnie. Applicant and Applicant's attorney would like to take this opportunity to thank Examiner Eloshway for her time as well as courteous attention during the interview. Applicant's remarks set forth herein are intended to serve as a written summary of the substance of the interview as required by Manual of Patent Examining Procedure § 713.04.

The current status of the pending claims is as follows: Claims 1, 2, 4, 6, 7, 12 and 15 stand rejected under 35 U.S.C. 102 as being anticipated by Beale et al. (U.S. PgPub. No. 2003/0047838); Claims 3, 5, and 14 stand rejected under 35 U.S.C. 103(a) as being obvious over Beale et al. in view of Zoss (U.S. Pg Pub 2002/0112614); and Claims 8-11 stand rejected as being obvious over Zoss in view of Llorente Hompanera (U.S. PgPub 2001/0043977).

As discussed at the interview, the Beale et al. reference discloses a multiple cavity muffin tray as well as a single cavity pie container, which are both made from silicone rubber. The Beale et al. reference discloses that rim or ridge structures 110, 112, 114, 310, 314, 414, which are peripheral to the batter receiving cavities, "contribute significantly to the structural stability of the tray during backing, transfer and handling." See, e.g., Beale et al. at paragraphs 0036, 0039 and 0041.

The Zoss reference discloses a paperboard muffin receptacle which includes a prominent folded top portion 106 (or rim) with folded portions 30, 32, and 34. The Zoss reference teaches that the inclusion of this rim is important to maintain the structural integrity of the disclosed receptacles. The rim or top portion is designed to provide circumferential support to the baking receptacle 10. See FIGS. 2A-2C, and paragraphs 0025.

The Llorente Hompanera patent discloses a process for making bake ware from certain types of silicon rubber, but does not disclose and specific structure for any such

bake ware made by the process. Applicant's counsel explained during the interview that, in applicant's view, one skilled in the art combining the Hompanera and Zoss references would come up with a silicone rubber muffin mold having a prominent structural rim as shown in Zoss.

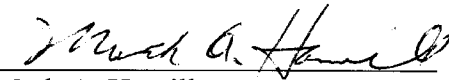
Claims 1 and 12 have been amended to clarify that they are directed to muffin or cupcake batter receiving structures which includes a body portion defining either "a single, batter receiving cavity" or "a single frusto-conical body," respectively. Further, both Claims 1 and 12 have been amended to require that their substantially annular side wall "terminates in a rimless top surface." It is believed that these amendments render Claims 1 and 12 patentably distinct from the Beale et al. reference. New dependent Claims 22 and 24 have been added to further define the structures set forth in those independent claims by clarifying that the "rimless top surface" may be thicker than the remainder of the sidewall so long as the rimless top surface does not "contribute significantly to the structural stability" of the receptacle or mold of those claims. This language is believed to further distinguish those claims from the bake ware disclosed in Beale et al.

Independent Claim 8 has also been amended to clarify that the substantially annular sidewall portion "terminates in a rimless top surface." New dependent Claim 23 has been added to further define the liner of Claims 8 by clarifying that the "rimless top surface" may be thicker than the remainder of the sidewall so long as the rimless top surface does not "contribute significantly to the structural stability" of the liner. It is believed that these claims are patentably distinguishable over the silicone bake ware including a prominent structural rim that would result from a combination of Hompanera and Zoss.

Furthermore, as set forth in the accompanying declaration of the inventor Richard Finnie, the inventions claimed in the amended claims have achieved substantial commercial success in the marketplace. This objective evidence of non-obviousness is also believed to support a finding that the claimed invention are patentable over any combination of the cited prior art. Further, the declaration of Finnie is also believed to include the substance of his comments concerning commercial success at the interview.

For all the reasons set forth above, it is believed that each of pending claims as amended are patentably distinguishable over the prior art of record. As applicant believes the amended claims submitted herewith are now in condition for allowance, applicant respectfully requests timely issuance of a Notice of Allowance.

Respectfully submitted,

By 
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